

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRYANT OBEN ARREY	:	CIVIL ACTION
	:	
v.	:	No. 24-0589
	:	
OFFICER JONATHAN ZEBLEY and the	:	
BROOKHAVEN POLICE	:	
DEPARTMENT	:	

ORDER

AND NOW, this 30th day of December, 2024, upon consideration of Defendants' Motion to Dismiss (ECF No. 14) and Plaintiff Bryant Oben Arrey's response thereto—and for the reasons set forth in the accompanying Memorandum—it is hereby ORDERED the Motion is GRANTED as follows:

1. The following claims are DISMISSED WITH PREJUDICE: (1) the claims alleging supervisory liability, (2) the Fourteenth Amendment claims, (3) the claims against Officer Zebley in his official capacity and the claims based on the Brookhaven Police Department's policies and customs, and (4) the claims for injunctive and declaratory relief.
2. The Clerk of Court is DIRECTED to TERMINATE the Brookhaven Police Department as a party.
3. The claims for malicious prosecution and conspiracy are DISMISSED WITHOUT PREJUDICE.

It is FURTHER ORDERED Plaintiff Bryant Oben Arrey is permitted—but not required—to file a Second Amended Complaint on or before **January 13, 2025**. In doing so, Arrey may not again assert claims that have already been dismissed with prejudice. Arrey may replead claims dismissed without prejudice, though should be mindful of the Court's reasoning for dismissing those claims. Any amended pleading shall be a complete document that does not rely on previous

filings, meaning that Arrey must include all claims he wishes to replead, such as the claims dismissed without prejudice and his Fourth Amendment false arrest claim against Defendant Officer Zebley in his individual capacity, which Defendants have not moved to dismiss.

If Arrey does not wish to amend, he may file a notice to that effect with the Court on or before **January 13, 2025**, at which time the Court will issue a final order dismissing the malicious prosecution and conspiracy claims with prejudice, and the case will proceed on the one remaining claim: the Fourth Amendment false arrest claim against Defendant Officer Jonathan Zebley in his individual capacity. If Arrey fails to file any response to this Order by **January 13, 2025**, the Court will conclude that he intends to stand on his Amended Complaint and will issue a final order dismissing the malicious prosecution and conspiracy claims with prejudice, and the case will proceed on the one remaining claim: the Fourth Amendment false arrest claim against Defendant Officer Jonathan Zebley in his individual capacity.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.